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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixth session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 29 November 1991, at 10 a.m.

Chairman: Mr. ALSTON

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS (agenda item 7) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Syrian Arab Republic (E/1990/6/Add.1) (continued)

1. Mr. KHOURY (Syrian Arab Republic), in reply to oral questions from members of the Committee on the report submitted by Syria (E/1990/6/Add.1) said that, pursuant to article 8 of the Syrian Constitution, the Arab Baath Socialist Party was the leading party both in society and in the State at the head of a National Progressive Front, endeavouring to harness the capacities of the masses in furtherance of the objectives of the Arab nation. The other official political parties comprising the National Progressive Front, founded in March 1972, were the Arab Socialist Union Party, the Syrian Communist Party and the Unionist Socialist Party. In 1989, a new party had joined the National Front, namely the Democratic Socialist Unionist Party. The Syrian political system could therefore claim to be a multi-party one. He stressed that the National Progressive Front concerned itself with questions relating to foreign policy, the drawing up of five-year development plans, economic policy and the preparation of educational programmes.

2. Correcting a typing error in summary record E/1983/WG.1/SR.2 relating to the consideration of one of Syria's initial reports, he pointed out that the area of Syrian territory, contrary to the figure given in the summary record, was 185,180 sq.km., as stated in the second periodic report (E/1990/6/Add.1, para. 1); that figure included the occupied Syrian territory of Golan.

3. On the question of religion, three faiths co-existed in Syria: Islam, Judaism and Christianity. The public service was closed during Islamic holidays (Id al Fitr - end of the Ramadhan fast; Id al Adha - Feast of the Sacrifice; New Year's Day - hegira year; and the Prophet's birthday), as well as during Christian holidays (Catholic and Orthodox Easter, 25 December and 1 January). Muslim businesses closed on Friday, Jewish on Saturday and Christian on Sunday.

4. On the question of housing, the average area of houses or apartments and the number of persons occupying them differed between urban and rural areas. Dwellings built by the State or by housing cooperatives comprised two to five rooms plus kitchen and bathroom and the amount of space varied between 100 and 180 sq. metres. Some members of the Committee had found a contradiction between paragraph 70 (h) of the report concerning the regulation of the investment of private savings in low-cost housing and paragraph 75 concerning the role of the private sector in housing construction; in that connection he wished to point out that, in the original Arabic version of the report, paragraph 70 (h) referred only to housing built for the masses by the State and did not refer to the investment of private capital.

5. On the issue of health, there was a private sector in Syria which played an important role.

6. On the right to education, he pointed out that teachers' salaries were slightly higher than those of other officials. He stressed that there was no relationship between the granting of scholarships and membership of the Baath Party. The State granted assistance to the best students whether or not they belonged to the Party and a fair number of Syrian students sent abroad to continue their studies were not members of the Party.

7. Concerning the right to an adequate standard of living, the State subsidized the basic needs of lower-income groups. It provided them with primary foodstuffs such as sugar, bread, oil, rice and fruit at purely nominal prices.

8. In reply to another question put by the members of the Committee, he emphasized that international instruments ratified by Syria became an integral part of national legislation and could be invoked by any citizen in the courts.

9. He expressed surprise that the Committee had raised the issue of ethnic minorities as that problem did not arise in Syria; he recalled, moreover, that there was a difference between indigenous minorities and ethnic minorities.

10. Concerning labour, Syria did not take the initiative in importing foreign labour but, in conformity with its nationalist policy, it afforded special treatment to citizens of Arab countries wishing to work in its territory. Foreigners wishing to work in Syria were required to obtain a work permit. In 1989, 577 permits had been issued to Arab citizens and 720 to foreign workers. In the same year, 1,158 Arab citizens had had their permits renewed compared with 1,587 foreigners. On the question of remuneration, Syrian law made no distinction between Syrian citizens and foreigners. Foreign workers could also join a trade union. As regards the right to strike, he recognized that the Labour Code and laws relating to the private sector, the civil service and the trade union organization made no reference to the right to strike; he stressed, however, that trade unions and the General Federation of Trade Unions protected workers' rights.

11. In connection with agriculture and questions relating to possible agrarian reform, Mr. Khouri said that paragraphs 62 and 66 of the report dealt with agrarian reform which was already under way; he stressed that there were many private farms in Syria.

12. In reply to questions raised regarding marriage and divorce, he said that he would seek information from the competent authorities in Syria and would reply to the Committee in writing.

13. The CHAIRMAN wished to know when Syria expected to send its reply to the Committee.

14. Mr. KHOURI (Syrian Arab Republic) said that as soon as the Committee's report containing the questions had been received, he would transmit it to the competent authorities. Although he was not currently in a position to give an exact date, he assured members that they would receive the replies of the Syrian Government before their next session.

15. The CHAIRMAN expressed the hope that the Syrian Government would send its replies as soon as possible, before June 1992, so that the pre-sessional Working Group could consider them. He thanked the Syrian delegation for its presentation of its country's report and for having replied to the questions raised.

16. The representatives of Syria withdrew.

ORGANIZATION OF WORK (agenda item 4) (E/C.12/1991/WP.1 and Add.1) (continued)

17. The CHAIRMAN recalled that, at its fifth session, the Committee had requested Mrs. Jiménez Butragueño to provide it with a discussion note on the problems of the elderly as they related to the realization of the rights recognized in the Covenant. It was important that the Committee should develop a procedure for the consideration of discussion notes so that it could study in depth the many questions which were of interest to it. He congratulated Mrs. Jiménez Butragueño on the quality of her work which represented an excellent precedent and would assist the Committee in the implementation of its mandate.

18. Mrs. JIMENEZ BUTRAGUEÑO explained that she had planned her discussion note in two parts: document E/C.12/1991/WP.1 was, as it were, an introduction; the addendum (E/C.12/1990/WP.1/Add.1) comprised the most important part of her work as it contained proposals for amending the revised general guidelines concerning the form and content of the reports of States parties (E/C.12/1991/1).

19. At the beginning of document E/C.12/1991/WP.1, members would find statistics that showed that the world population was ageing steadily, with an increase in the number of persons over 80 years of age, the so-called "fourth age". While it was true that, after the age of 80, health problems began to arise in a more acute form, requiring constant care, there could be exceptions. She cited the case of a 93-year-old Spaniard who was pursuing medical studies. In the OECD member countries, persons in the "fourth age" group today accounted for between 1 and 3 per cent of the population and, in all probability, would represent between 6 and 9 per cent by the middle of the twenty-first century; structures which would respond to the special needs of that population group would therefore have to be developed. In addition, an active population in continuing decline would be responsible for a constantly increasing inactive population. In the OECD countries, the ratio today was one inactive person to every five active persons and it could double by the year 2040.

20. In preparing her discussion note, she had studied the International Plan of Action on Aging adopted by the World Assembly on Aging, Vienna, in 1982. She had also consulted documents of the ILO, OECD, the Council of Europe and the European Community. In addition, she had studied documents prepared by a number of non-governmental organizations, particularly the European Federation for the Welfare of the Elderly, the International Federation on Aging, the International Federation of Associations of the Elderly, Eurolink-Age and the International Association of Gerontology. That documentation had led her to conclude in particular that the "third age" comprised persons who, by and large, had taken early retirement and who, with all their faculties intact,

did not know how to use their free time, thus creating psychological and economic problems. In regard to the "fourth age", it was her view that it represented a challenge for the community and for the Committee for it contained persons who might have retained their faculties but needed special assistance. The recommendations and suggestions formulated in the discussion note were based not only on many informational documents which had been consulted but also on lessons drawn from her own professional and personal experience, particularly examples in her entourage and on the direct contacts which she had had with the elderly in rest homes and residences.

21. There was no doubt that those examples and contacts had made her realize how important it was to make the entire population aware of the needs and special difficulties of the elderly so that they were not only provided with material needs but, above all, treated with dignity and humanity. It was also essential to provide specialized training for professionals - doctors, nurses etc. - required to care for the elderly (E/C.12/1991/WP.1, part A, General Measures, paras. 9 and 10). In the same context, while it was preferable to avoid disproportionate treatments, often expensive for the family (ibid., part C, Measures for the "fourth age", para. 6), it was nevertheless essential to see that preventive medicine for the elderly was provided (ibid., part A, para. 3), as such services were sometimes the first casualties when the social programmes of the State were subjected to a policy of austerity.

22. Retirement signalled accession to the third age and gave rise to problems both before and after that event. It had been during the seminar organized by OECD in Madrid in 1966 that she herself had become aware of the difficulties which elderly workers could encounter as retirement approached in keeping their job or finding a new one; in particular such workers often lost their pension rights, because they had not been able to pay their contributions during the last years before retirement. The definitive solution provided by Spanish legislation to that problem - namely retention of retirement rights and payment of a special benefit to all involuntarily unemployed persons aged 55 and above - might well be adopted elsewhere (ibid., part B, Measures for the "third age", para. 1). The steps suggested in part B, paragraph 2, had been inspired by the example of persons who continued to practise a liberal profession until an advanced age simply because their intellectual and mental faculties remained intact after the age of 65. Likewise the Constitutional Court of Canada, in a decision referred to by the representative of that country during the presentation of the report of that State party to the Committee (E/1984/7/Add.28), had found that the setting of a statutory age of retirement was not consistent with the Constitution. In the case of persons for whom retirement was compulsory, the experience was often traumatic because, after a life of work, they found themselves with nothing to do from one day to the next. It was essential to arrange a transitional period and to demonstrate to future retirees how, for example, they could continue to be active in a different environment, such as in voluntary activities (E/C.12/1991/WP.1, part B, paras. 4 and 5), like the doctor who created an association of colleagues who treated needy persons free of charge.

23. She stressed the contribution which the Committee could make to defend the rights of people in the third and fourth ages; in her view, basing itself

on the fact that the United Nations had solemnly assured the World Assembly on Aging that, in particular, the fundamental rights contained in the Covenants should apply without reservation to the elderly, the Committee should request States parties to report to it on the realization of economic, social and cultural rights, by such persons at the national level. In order to simplify the Committee's task she had drafted, on the basis of the outline of general guidelines prepared by Mr. Simma, a number of specific questions (E/C.12/1991/WP.1/Add.1), to which further consideration should be given. She requested members of the Committee to provide her with any information that would enable her to supplement her study of the question.

24. The CHAIRMAN considered that, in support of its case, the Committee must offer proof to States parties that, in raising the issue of the realization of the rights of the elderly, it was tackling a problem which was not only of general interest but stemmed directly and unquestionably from its mandate. Moreover, he wondered whether the existence of a compulsory retirement age, formerly regarded as a social gain, was consistent with article 6 of the Covenant, which established the right to work, and with the wishes of workers themselves when they reached that fateful age. In the United States, for example, during the Presidency of Mr. Reagan, that obligation had been eliminated for a whole range of jobs. It would be interesting to obtain the views of the ILO experts on the issue. In that connection, he noted with satisfaction that WHO had agreed to provide Mrs. Jiménez Butragueño with information on national legislation for the purposes of her research. It would also have to be ascertained whether there was already within the United Nations system an agency with responsibility for protecting the implementation of the rights of the elderly, particularly within the framework of the Vienna International Plan of Action, in order to avoid pointless overlapping. He invited the members of the Committee to give their views on those questions of principle as well as on Mrs. Jiménez Butragueño's proposals.

25. Mr. SPARSIS also considered that persons reaching the statutory retirement age could still make a useful contribution to the economic and social development of their countries and often represented one of the most skilled and competent groups of society. Governments, even those of the so-called industrially and socially developed countries, provided no mechanism whereby retirees could use their skills and did not regard them as a priority group. Worse still, it was virtually impossible for such persons to find employment once they had passed the age of retirement or they could only do so in conditions that verged on exploitation. Today, there were calls for a lowering of the statutory retirement and pensionable ages in both the public and private sectors. One might even talk of a veritable conspiracy against persons of the third age.

26. In addition, a number of factors had exacerbated problems linked to age, in particular the massive entry of women into the labour market and the disappearance of the extended family which had formerly offered a framework within which elderly parents could continue to live, as well as the lengthening of life expectancy and the health problems peculiar to the elderly.

27. All those problems clearly required an in-depth study but it was not to be expected that Governments would take the initiative in the matter. It was up to the elderly themselves to organize themselves in order to defend their

interests and rights, first at the national level by setting up pressure groups, even political parties, and afterwards at the international level by allying themselves with other groups. Those were the only comments which he wished to add to the first class basic study prepared by Mrs. Jiménez Butragueño.

28. Mr. MARCHAN ROMERO said that the competence and human qualities which Mrs. Jiménez had demonstrated in her discussion note had enabled the Committee to obtain a better understanding of the problems, both current and complex, of the third and fourth ages. The Committee would thus be in a better position to make States parties in turn aware of those problems through the focus of the questions which it would put to them. In that connection, he noted with satisfaction that the author of the discussion note had already indicated how her conclusions could be incorporated into the general guidelines prepared by Mr. Simma.

29. Concerning the questions of principle raised by the Chairman, while it was true that the Covenant did not specifically mention the rights of the elderly, it would be contrary to the spirit of that instrument to consider that the enjoyment of economic, social and cultural rights should end at a certain age, or that persons of the third and fourth ages could not be regarded as forming a minority or vulnerable group to which special protection must be afforded.

30. Mr. KONATE considered that Mrs. Jiménez Butragueño's discussion note would certainly make a useful contribution to the doctrinal work of the Committee. He had noted that a number of the problems raised were common to most countries, whether developed or developing. Everywhere, the rising generations were claiming the jobs, already too few and occupied by their elders, at the risk of pushing aside men and women still in the prime of life and in full possession of their intellectual faculties. On the other hand, a number of problems, such as selective retirement, abandonment of the elderly or their placement in retirement homes, were unknown in developing countries: in Africa, in particular, the solidarity of the extended family continued to survive and old people remained active by looking after the children, by providing religious instruction or by the transmission of oral traditions - all of which activities made them respected and appreciated members of the community. Such variations should be taken into account in the questions which Mrs. Jiménez Butragueño proposed to include in the Committee's guidelines.

31. The fact was that human beings were all exposed to health problems related to old age and it might well be that a number of developing countries would feel the need to develop geriatric services or to train specialized staff in that field and would therefore require international assistance for the purpose. That point should perhaps be stressed in the discussion note and taken up later in a recommendation by the Committee to the Economic and Social Council.

32. Referring to the second part of the note (E/C.12/1991/WP.1/Add.1), he considered that some of the proposed amendments to the guidelines concerning the preparation of reports by States parties should be amended in order to take better account of social and cultural differences separating the

developed from the developing countries. He drew Mrs. Jiménez Butragueño's attention in particular to the proposals which she had submitted regarding article 9 (para. 5 and second subparagraph of para. 6), article 11 (paras. 7 and 8) and article 12 of the Covenant (para. 9). In most cases it would probably be enough to seek information as to whether a particular problem existed and, if so, on the legislative and other means employed to resolve it and on possible future needs of international assistance in a particular area. In a more general perspective, there was a need to refine certain concepts - those of the family and power of commitment for example - perhaps with the assistance of WHO and ILO.

33. The discussion note should in any case establish the Committee's competence, to the extent that it demonstrated that in certain societies the population group comprising the elderly was in fact underprivileged. He had reservations however on the proposal of the Chairman to set the right to work stipulated in article 6 of the Covenant and the existence of a statutory retirement age in opposition to each other. International labour law said nothing on the subject and perhaps it should be left to States themselves to decide the retirement age bearing in mind the social and economic situation in the country. It might, on the other hand, be necessary to establish a minimum age - and not a maximum - for retirement. The views of the ILO experts would be helpful in that connection.

34. Mr. SIMMA recalled that the Chairman had asked the Committee to develop a sort of jurisprudence on economic, social and cultural rights. In that connection, the discussion note by Mrs. Jiménez Butragueño opened up new possibilities. Mrs. Jiménez Butragueño was to be congratulated on having demonstrated the humanity which should characterize the work of the Committee in that field.

35. As regards the guidelines concerning the form and content of the reports of States parties, the Committee, instead of amending them year after year, should rather apply the method of general comment before proceeding to issue a final amended version. He therefore proposed that Mrs. Jiménez Butragueño should be given the task of preparing such a general comment and of presenting it to the 1992 session. She should also continue her cooperation with WHO and ILO, for the subject was very complex; in fact, on the one hand, the younger generation envisaged a solution to their own practical difficulties by evicting the over-60s but, on the other hand, it was clear that the retirement of the older generations would raise new problems, without really improving the situation of the young.

36. Mr. MRATCHKOV also wished to pay a tribute to Mrs. Jiménez Butragueño. The problems which she had studied were at the same time very contemporary and possibly already superseded, for the twenty-first century might well see the coming of a fifth age, thanks to scientific progress. As the Chairman had proposed, the Committee should state clearly that the economic and social problems of persons in the third and fourth ages definitely came within the context of the Covenant and its application.

37. Concerning the future revision of the guidelines, he thought, like Mr. Simma, that such a step would be premature. The problems were however so important that reference should be made to them in the list of questions

prepared by the pre-sessional Working Group. Such a step would be more practical and would have the advantage of taking account of the socio-economic conditions ruling in different countries and would enable the Committee to identify problems more clearly whenever they arose and to have more intimate knowledge of them. One of the major difficulties worldwide stemmed from the fact that, while the elderly were specially vulnerable, so was youth, and that fact could not be ignored.

38. It would perhaps therefore be enough to formulate a general comment for 1992 or 1993 and, above all, to place the problems within the context of the different articles of the Covenant as Mrs. Jiménez Butragueño had done in her note.

39. The question of retirement was double-edged. It was true that regulations varied from one country to another but it was certain that everywhere the establishment of a fixed retirement age - at increasingly lower levels - had been viewed as a social victory. Today that was being questioned because of the difficulties linked to the inactivity of individuals of the third age so that the trend once again favoured raising the retirement age. It might perhaps be better to abandon the concept of compulsory retirement and to regard retirement as a right of which one might or might not take advantage.

40. Mr. ALVAREZ VITA expressed the view that reaching the third age did not imply a loss of vitality as it was very difficult to specify the limits between the different "ages" with any degree of precision. The difficulty was illustrated by the fact that such limits varied between countries and even between jobs. A person who had started to work at a very young age could have performed the necessary number of years of service without having reached the effective age for retirement. In any case, as the Chairman had said, notwithstanding doubts which had been expressed, it was up to the Committee to study all aspects of the issue closely.

41. He would prefer, like Mr. Simma, to avoid amending the guidelines immediately. Since, however, it was going to be necessary to visualise new issues and aspects because the world was evolving rapidly, the Committee should proceed, without further delay, to consider factors which might be incorporated later. He invited members to give their views on that aspect.

42. In conclusion, he proposed that Mrs. Jiménez Butragueño should continue her work. For its part, the Committee should study the possibility of creating, for her, a post of rapporteur for "third age" issues.

43. Mr. NENEMAN referred to the issue of compulsory retirement in the context of the right to work for the first issue risked negating the second. Poland, for example, was engaged in economic restructuring and had a high unemployment rate. Efforts were being made to reduce unemployment by encouraging workers to take early retirement and by tying retirement to a ban on working. The case of workers who had reached the statutory retirement age gave rise to concern for, while they were entitled to work, they were prohibited from drawing more than half the average wage of the Polish worker, namely, very little. Were not such measures, which had already been criticized within the country as being contrary to the provisions of the Constitution, also contrary

to those of the Covenant, as the two instruments established the right to work? As Poland was probably not the only country where there was such a restriction on the right to work, it would be appropriate for the Committee to study the issue.

44. In order to supplement Mrs. Jiménez Butragueño's discussion note, he proposed that the Committee should invite the attention of Governments to measures already taken in certain countries, such as France, which enabled retired persons to participate in the scientific and cultural life of the country. Those were practical measures whereby, for example, museums, swimming pools, cinemas and other cultural establishments not used by workers in the afternoon were open to retired persons for a modest fee at that time.

45. The CHAIRMAN considered that the idea of providing easier access to cultural and scientific activities for retired persons was an excellent one and thought that the issue might be included in the general comment which was under consideration.

46. Mr. MUTERAHEJURU said that he would prefer to approach the question of the elderly from an angle other than that of the date of birth since, depending on the level of development of a particular country, the symptoms of ageing could appear before or after the third age, and since many people did not even reach the theoretical third age. The discussion note had been drawn up in a Western context. In the rest of the world, populations sometimes had a different structure. That was the case in the region from which he himself came, dominated as it was by agriculture and cattle-raising and where the concept of retirement barely existed because, particularly in the case of independent holdings a farmer could work his land until an advanced age and thereafter count on his family to attend to his needs. Alongside that agricultural majority however there was a category of workers who could not even work until the age of 50 or 60 as they were supplanted by the young. That group faced real problems and thought must be given to them as of now. There was also a need to consider the future in general without further delay as the structure of the population would probably change rapidly as a consequence of technical progress and urbanization.

47. He also suggested that an appeal for international cooperation should be made since, if statistics produced by competent organizations such as UNDP were to be believed, the problems of the third and fourth ages were of worldwide dimensions. The Committee should also consider that aspect of the issue.

48. Mr. KOUZNETSOV agreed with Mr. Simma that it was not essential to amend the general guidelines concerning the way of presenting reports immediately and that Mrs. Jiménez Butragueño might be asked to prepare a general comment for the Committee's next session. With particular reference to the conflict between persons who were young according to the date of their birth and persons of the third and fourth ages who remained youthful, he welcomed the respect accorded to older generations and the progress which had been made in gerontology. He warned, however, against the gerontocracy which might result from the ageing of the world population and the imbalance between the needs of the genuinely young and those of their elders. The specific rights of one category must not be protected at the expense of the rights of the other.

49. There was no doubt that most States, in their legislation, attached much more importance to the problems of youth than to those of persons in the third and fourth ages. There was accordingly the risk of violation of the economic, social and cultural rights of the latter category. The Committee should therefore request Governments, in their legislative practice, to pay greater attention to the specific problems of the elderly. The Committee might assess the violations of human rights to which such persons were exposed and investigate whether a particular legislation prohibited work after the age of retirement or of enforced retirement. In his view, the right to work should not be limited by age and it was up to the Committee to consider whether or not rights in that field were being limited. The Committee should also request Governments and the United Nations as well as other international organizations to take account of the specific needs of certain groups: as long as teachers, doctors and lawyers retained their intellectual faculties there was no reason why they should stop working, regardless of their age.

50. He was not very clear, at that stage, about how the Committee should proceed but sooner or later it must certainly consider the question, which arose particularly in those States where life expectancy had increased and would continue to increase.

51. Mr. RATTRAY noted that the Committee was discussing issues which were sensitive, important and perhaps controversial. It was clear from the discussion note prepared by Mrs. Jiménez Butragueño that the elderly retained considerable residual energy but were also very vulnerable to the infirmities of age. Who were those elderly persons? The reply must be that they were persons who had aged and not those who had reached a certain age. The Committee should therefore draw a distinction between the right not to be regarded as an elderly person, which implied the right to work, and the right to be considered as an elderly person, which implied specific rights relating to the infirmities of age in terms of health, accommodation, standard of living and cultural life. The Committee must defend both rights simultaneously. When it had defined an elderly person, the Committee would be able to request Governments to provide information regarding enjoyment of the rights embodied in the International Covenant on Economic, Social and Cultural Rights in so far as that category of person was concerned.

52. It would be helpful if Mrs. Jiménez Butragueño would agree to draft a general comment on the subject, taking into account in particular the different cultural contexts in which elderly persons were regarded in different parts of the world. The Committee could however, as Mr. Mratchkov had suggested, request States parties, when they prepared their reports, to reply to the questions which it was proposed to include in the revised general guidelines, appearing in the addendum to the discussion note (E/C.12/1991/WP.1/Add.1).

53. The CHAIRMAN said that Mr. Rattray had drawn a very important distinction between "those who had aged" and "those who had reached a certain age".

54. Mr. WIMER ZAMBRANO said that the members of the Committee were unanimous in considering that the Committee was competent to deal with issues relating to the third age. The Committee should therefore give thought to the substantive as well as to the formal questions relating to such an extension of its field of action. As the Committee was a relatively recent creation, it

was easier for it to manoeuvre than it would be for other United Nations bodies. The Committee should therefore not hesitate to amend its revised general guidelines on the form and content of reports if such amendments seemed necessary. But they must be given serious consideration and should involve an amplification of the guidelines rather than their radical amendment. The Committee should also be flexible, and in the first instance, accept reports which States parties had prepared without taking account of additions to the guidelines.

55. Mrs. BONOAN-DANDAN said that she had never been specially aware of problems concerning the elderly because in the Philippines, as in most developing countries, such problems did not exist. They might, however, occur in the very near future in those countries also and the Committee could play a very useful role in helping to spare them the difficulties which highly developed countries were currently experiencing.

56. Like Mr. Simma, she considered that the general guidelines adopted by the Committee at its fifth session should not be amended too soon. Furthermore, a further period of time could enable Mrs. Jiménez Butragueño to pursue her work in greater depth.

57. In the follow-up to her study, Mrs. Jiménez Butragueño should pay particular attention to the difficulties of elderly women - health and emotional problems - to the ageing process of indigenous peoples and the difficulties faced by the elderly as death approached. The Committee should be alive to the mental and emotional well-being of the elderly. She could not visualize clearly how the Committee could include such a question in its guidelines but Mrs. Jiménez Butragueño should certainly submit proposals on the subject.

58. Mr. FOFANA, recalling the general comment on article 2 of the Covenant which the Committee had adopted at its previous session, asked whether it might not be a good idea to draw the attention of the World Bank and the International Monetary Fund to violations of the economic, social and cultural rights which might result from compulsory and early retirement in countries which, as a result of their debt, were constrained to adopt structural adjustment programmes, one of the elements of which involved the streamlining of the public service.

59. Mrs. JIMENEZ BUTRAGUEÑO said that the discussion note which she had prepared was no more than a sketch or a draft. In order to be able to submit a more detailed document to the Committee at its next session she would need the assistance of all, particularly that of ILO. She would certainly take account of the special situations existing in developing countries, as well as the special problems of women. She considered, however, that the situation of elderly men was worse than that of elderly women, if not economically, at least psychologically.

60. A documentation room would be particularly useful for her work and she asked the Committee to urge once more that one should be made available for her use. Finally, she would welcome any information that members of the Committee could provide regarding the situation of the elderly in their own country.

61. The CHAIRMAN, summing up the discussion, said that it was clear that Mrs. Jiménez Butragueño had produced a valuable piece of work which had already given rise to fruitful discussions, as many very important issues had been raised. He proposed to include a summary of the discussion in the Committee's annual report.

62. Members were unanimous in considering that the Committee was competent to take up questions concerning the elderly but they also recognized that the legal basis of such competence must be more precisely defined and specific aspects of the Covenant which bore directly on the question of ageing must be identified.

63. It had been agreed that, in questions put to States parties, those issues and concerns should be taken into account and that the general guidelines would need to be amended accordingly, although not immediately, since the revised text of those guidelines had been issued less than a year earlier. It had been proposed instead that a general comment should be prepared; that proposal had received the virtually unanimous support of the Committee and Mrs. Jiménez Butragueño had been asked to undertake that work, on the understanding that not only members of the Committee but also the principal specialized agencies, non-governmental organizations and the Centre for Social Development and Humanitarian Affairs of the United Nations Secretariat at Vienna would be requested to provide Mrs. Jiménez Butragueño with any relevant information on the subject. Ideally a draft general comment should be duly prepared for submission, inter alia, to the International Labour Organisation and the World Health Organization, so that the comments and contributions of those specialized agencies could be incorporated in the draft which Mrs. Jiménez Butragueño would submit to the Committee at its next session.

64. If there were no objections and if Mrs. Jiménez Butragueño agreed, the Committee might consider attaching the discussion note (E/C.12/1991/WP.1 and Add.1) to its annual report which, unlike working papers, was widely distributed.

The meeting rose at 1 p.m.